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The Broadband Digital Divide: What Comes Next for Congress?

As classrooms, workplaces, and social activities migrated online during the Coronavirus Disease 2019 (COVID-19) pandemic, the digital divide—the gap between those who have access to broadband internet and those who do not—became increasingly apparent. The 116th and 117th Congress passed a number of bills that included provisions aimed at addressing the digital divide.

Broadband Funding to Address the Digital Divide

Congress passed four COVID-19 era bills that include broadband appropriations.

- The Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136), which provided \$100 million for broadband programs at the U.S. Department of Agriculture (USDA).
- The Consolidated Appropriations Act, 2021 (CAA, 2021; P.L. 116-260), which provided \$6.201 billion to broadband programs at the Federal Communications Commission (FCC), National Telecommunications and Information Administration (NTIA), and USDA.
- The American Rescue Plan Act of 2021 (ARPA; P.L. 117-2), which provided \$7.171 billion to broadband programs at the FCC.
- The Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58), which provided \$64.4 billion for broadband programs at the FCC, NTIA, and USDA.

The broadband appropriations in the IIJA are the largest federal broadband investment in history. The act also attempts to address universal broadband access and long-standing goals of the consumer advocacy community (e.g., consumer labels for broadband service plans). Details on broadband funding can be found in the reports listed in “Additional CRS Resources.”

Federal Agencies Roles in Addressing the Digital Divide

The FCC, NTIA, and USDA administer multiple programs addressing broadband deployment and adoption and digital equity. Some are ongoing programs that receive annual appropriations, while others are newly established and funded. Each agency plays a different role in addressing the digital divide.

FCC

The FCC is tasked with providing universal access to telecommunications services through its Universal Service Fund (USF) programs, which focus on increased access to high-speed internet service for low-income consumers and consumers in underserved areas, as well as underserved schools, libraries, and health care facilities. All four USF

programs are funded by fees on telecommunications carriers, not through appropriations. Congress has provided appropriations for non-USF FCC programs. For example, the IIJA appropriated \$14.2 billion for a new Affordable Broadband Connectivity Program.

NTIA

The NTIA’s programs and policymaking focus on expanding U.S. broadband access and adoption. The last major grant program NTIA administered was the Broadband Technology Opportunities Program, an approximately \$4 billion grant program focused on deploying broadband infrastructure. In the IIJA, Congress provided NTIA with \$48.2 billion for new grant programs focusing on broadband grants to states and digital equity.

USDA

Four USDA programs provide loans and/or grants to fund the construction and improvement of broadband networks. Unlike the FCC and NTIA, USDA programs focus only on rural areas. In the IIJA, Congress provided \$1.926 billion for the existing ReConnect Program and \$74 million for the existing Rural Broadband Program.

What Comes Next? Policy and Oversight Considerations for Congress

It may take years to see measurable results from these newly established broadband programs—specifically the deployment programs. In many cases, deploying fiber requires subsurface digging to bury conduit and physically connecting each household. It may also require providers to acquire rights-of-way, which can be a lengthy process.

Given the size of recent investments in broadband, the heterogeneity and complexity of the programs, and involvement of multiple federal agencies, Congress may conduct oversight to assess each agencies’ ability to manage new broadband programs to address the digital divide. Further, Congress in IIJA gave NTIA a major role in closing the digital divide; the agency may be a primary focus of Congress’s oversight efforts.

In addition to its review of agency operations and use of appropriated funds, Congress may consider

- how to measure progress toward closing the digital divide,
- whether to provide additional funding for broadband deployment, and
- whether to have the FCC update its National Broadband Plan.

Measuring Progress on Closing the Digital Divide

The digital divide persists in the United States because of a combination of variables, including the availability, affordability, and usability of broadband and geographic and socio-economic factors. Measuring progress toward closing the digital divide may require multiple metrics.

One way to measure progress is through the FCC's broadband map, which graphically displays where broadband is and is not available throughout the United States; however, some stakeholders have criticized the processes for developing these maps. One challenge with the existing map is the FCC's methodology, which considers an entire census block served if at least one home or business in that block has broadband access. This may overstate broadband deployment and progress toward closing the digital divide. Another issue is the lack of a process for entities (e.g., consumers, state, local, tribal governments) to challenge the accuracy of the maps.

In March 2020, Congress passed the Broadband Deployment Accuracy and Technological Availability Act (P.L. 116-130, Broadband DATA Act). It requires the FCC to establish a semiannual collection of geographically granular broadband data for use in creating broadband maps and processes for challenges to the data and for accepting crowdsourced information. The FCC is also to create a comprehensive database of broadband serviceable locations, which would include precise coordinates of all structures that have broadband. The FCC is in the process of standing up the new broadband data collection systems and processes pursuant to the Broadband DATA Act.

Congress may assess whether current FCC data collection efforts under the Broadband DATA Act are sufficient to address current mapping issues. Congress may also consider whether to take additional legislative action to incorporate other variables into the FCC's collection efforts (e.g., data on broadband subscribership) or whether the maps should be updated more frequently (e.g., data could be collected monthly) to reflect continuing network changes.

Additional Funding for Broadband

Congress may consider whether to provide additional funding for existing broadband programs. Proponents for more funding may note that demand for federal funds exceeds availability. For example, in the Broadband Infrastructure Program—created in the CAA, 2021—\$288 million was made available for grants and NTIA received applications with requests totaling more than \$2.5 billion. Critics may counter that spending more money for the same purpose (e.g., multiple programs at different agencies focused on rural, unserved areas) could result in duplicative and wasteful spending.

Congress may consider providing additional resources in the near-term to meet applicant demand or waiting for current funds to be allocated and projects initiated before contemplating new funding. The former carries the risk of potential duplication, while the latter may risk not meeting current demand. Congress may also contemplate the

potential advantages and disadvantages of having programs at multiple agencies that address a specific aspect of the digital divide (e.g., focusing on rural areas).

FCC National Broadband Plan Update

The American Recovery and Reinvestment Act of 2009 (ARRA; P.L. 111-5) directed the FCC to create a National Broadband Plan to ensure every American has “access to broadband capability.” The 2010 Plan set forth six specific goals for achievement by the year 2020—including that “every American should have affordable access to robust broadband service, and the means and skills to subscribe if they so choose.”

Some people have raised concerns that although billions of federal dollars have been spent to address the digital divide, the desired outcome has not been achieved. Others say federal efforts are making strides toward closing the digital divide. As stated in the FCC's Fourteenth Broadband Deployment Report released in January 2021,

data reveal that the Commission's efforts have been successful at delivering broadband to more Americans than ever before.... Since the Commission's last Broadband Deployment Report, the number of Americans living in areas without access to at least 25/3 Mbps (the Commission's current benchmark) has dropped from more than 18.1 million Americans at the end of 2018 to fewer than 14.5 million Americans at the end of 2019, a decrease of more than 20%.

As part of oversight, Congress could investigate how well existing federal broadband programs are meeting the goals of the FCC's National Broadband Plan. Congress may also contemplate an update to the National Broadband Plan, which could assess potential alternative methods or models (i.e., other than federal funding) to address the digital divide and measure progress toward closing it. Legislation in the 117th Congress has proposed an updated plan in the National Broadband Plan for the Future Act of 2021 (S. 279/H.R. 870).

Additional CRS Resources

CRS Report R46613, *The Digital Divide: What Is It, Where Is It, and Federal Assistance Programs*

CRS Report R46780, *Overview of the Universal Service Fund and Selected Federal Broadband Programs*

CRS Report R46967, *The Infrastructure Investment and Jobs Act (P.L. 117-58): Summary of the Broadband Provisions in Division F*

CRS Report R45962, *Broadband Data and Mapping: Background and Issues for the 117th Congress*

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